

**ASSEMBLY BILL**

**No. 163**

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**Introduced by Assembly Member Nation**

January 22, 2003

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An act to add and repeal Section 52086.5 of the Education Code, relating to class size reduction.

LEGISLATIVE COUNSEL'S DIGEST

AB 163, as introduced, Nation. Ninth grade class size reduction: Tamalpais Union High School District.

(1) Existing law requires a school district's application to implement a Program to Reduce Class Size in Two Courses in Grade 9 to comprise certain elements including, among others, that the grade 9 course or the 2 grade 9 courses included in the program count toward completion of specified graduation requirements and that reduced size classes on the average have no more than 20 pupils per certificated teacher and no more than 22 pupils in any participating class. Existing law, except as otherwise provided, authorizes any school district that maintains grade 9 to apply to the Superintendent of Public Instruction for an apportionment to implement that program.

This bill would authorize the Tamalpais Union High School District, on a pilot project basis, to reduce class size in grade 9 to an average of 25 pupils per certificated teacher in each of the 4 core subject areas of English, mathematics, science, and social science, subject to an agreement with the certificated staff exclusive representative for collective bargaining. This bill would declare the pilot project to be inoperative on and after July 1, 2006, and repealed as of January 1, 2007.

(2) The bill would declare that, due to the unique situation of the Tamalpais Union High School District, a general statute cannot be made applicable within the meaning of Section 16 of Article IV of the California Constitution, and the enactment of a special statute is therefore necessary.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 52086.5 is added to the Education Code,  
2 to read:

3 52086.5. (a) Notwithstanding any other provision of law, as  
4 an alternative to a class size reduction program that reduces class  
5 size in grade 9 to an average of 20 pupils in two classes as set forth  
6 in this article, the Tamalpais Union High School District may, on  
7 a pilot project basis, implement a class size reduction program to  
8 reduce class size in grade 9 to an average of 25 pupils per  
9 certificated teacher in each of the four core subject areas of  
10 English, mathematics, science, and social science, subject to an  
11 agreement with the exclusive representative for collective  
12 bargaining of the certified employees.

13 (b) All of the provisions of this article apply to the alternative  
14 program, except that English, mathematics, science, and social  
15 science classes shall be reduced in grade 9 to an average of 25, and  
16 a maximum of 27, pupils rather than an average of 20 pupils. The  
17 increase to an average of 25 pupils per certificated teacher in each  
18 of the four subject areas in grade 9 may not result in funding  
19 exceeding two times the grade 9 enrollment of the participating  
20 school.

21 (c) A school participating in the pilot project shall have attained  
22 a score of over 800 on the Academic Performance Index (API) in  
23 the 2000–01 testing year.

24 (d) The school district shall provide an annual evaluation report  
25 to the State Board of Education on the effects on pupil  
26 achievement of incorporating the four core subject areas into a  
27 smaller learning community with an average class size of 25 pupils  
28 per certificated teacher.

29 (e) This section is inoperative on and after July 1, 2006, and as  
30 of January 1, 2007, is repealed, unless a later enacted statute, that

1 becomes operative on or before January 1, 2007, deletes or extends  
2 the dates on which it becomes inoperative and is repealed.

3 SEC. 2. The Legislature finds and declares that a special law  
4 is necessary and that a general law cannot be made applicable  
5 within the meaning of Section 16 of Article IV of the California  
6 Constitution because of the unique circumstances of the Tamalpais  
7 Union High School District. The facts constituting the special  
8 circumstances are the district's smaller learning communities and  
9 their unique staffing and pupil distribution needs.

